

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4372 of 2021**

Arising Out of PS. Case No.-23 Year-2021 Thana- SC/ST District- Munger

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GOPAL PRASAD MANDAL Son of Bhaddo Mandal Resident of Village -
Naya Tola Dehriya, P.S.- Katihar, Distt.- Katihar.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Prasad, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-06-2022 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 28.09.2021 in A.B.P. No. 1115 of 2021 passed by the learned Additional Sessions Judge-I, Munger in connection with S.C./S.T. P.S. Case No. 23 of 2021 registered for the offences punishable under Sections 147, 149, 167, 328, 447, 467, 468, 471, 504 and 506 of the Indian Penal Code as well as Sections 3(i) (r) (s) and 2 (v) (va) of the SC/ST Act.

Learned counsel for the appellant submits that appellant is a person with clean antecedent and he has been



implicated in the present case since he is a Revenue Officer-cum-Circle officer and the informant alleges that ancestors of her husband partitioned the land in question in the year 1957 and land of Khata No. 78, Kheshra No. 380, area 18 decimal fell in the share of Sudai Hembrum and the land is in possession of his heir Parvati Devi (informant). It is next alleged that Subhash Chandra Yadav, Halka Karmchhari, Sudhir Kumar, Head Clerk and Rajesh Ranjan, Ex-Circle Officer issued *parcha* in the name of co-accused persons fraudulently when the informant is living with her family on the land in question.

Learned counsel for the appellant submits that the appellant is not named in the F.I.R. and during the course of investigation based on suspicion his name transpired. It is next submitted that no offence under the SC/ST Act is made out as appellant himself belongs to the Scheduled Tribe community as is evident from Annexure-2 to the petition i.e., caste of the appellant is *Kharwar* (S.T.). Learned counsel submits that in the F.I.R. the informant does not even remotely raises any suspicion against the appellant with regard to the fraudulent act of issuing *parcha*.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant and submits that notice is



required to be issued upon the informant.

Learned counsel for the appellant rebuts the submission made by the learned Spl. P.P. for the State and submits that when *prima-facie* no offence under the S.C./S.T. Act is made out, then there is no question of issuing notice on the informant.

Considering the submissions made by the learned counsel for the appellant, the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with S.C./S.T. P.S. Case No. 23 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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